

212381



October 27, 2004

VIA U.P.S. OVERNIGHT

Mr. Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, N.W.
Washington, D.C. 20423-0001

**RE: Proposed Abandonment of the St. Joseph Industrial Lead
from M. P. 2.52 near Elwood to M. P. 33.60 near Robinson,
a distance of 30.98 miles in Brown and Doniphan Counties, Kansas;
STB Docket No. AB-33 (Sub-No. 220X)**

Dear Mr. Williams:

The Union Pacific Railroad Company has received a Request for issuance of a Public Use Condition and a Notice of Interim Trail Use pursuant to (U.S.C. 10905 and 49 C.F.R. § 1152.28) and 16 U.S.C. § 1247(d) and 49 C.F.R. § 1152.29 respectively, regarding that portion of the Union Pacific's right-of-way known as the St. Joseph Industrial Lead from M.P. 2.52 near Elwood, Kansas to M.P. 33.60 near Robinson, Kansas, a total distance of 30.98 miles in Brown and Doniphan Counties, Kansas. The Union Pacific is willing to negotiate with the Sunflower Recreational Trails, Inc. concerning the acquisition of the subject property for public use or trail use and supports the Sunflower Recreational Trails' request to negotiate for a period of 180 days. A copy of the Sunflower Recreational Trails' request is attached hereto as Exhibit "A" and hereby made a part hereof.

Ten (10) additional copies of this letter and exhibit are enclosed for the Board's use and distribution.

Very truly yours,

A handwritten signature in black ink, appearing to read "Mack H. Shumate, Jr.".

Enclosure

ENTERED
Office of Proceedings

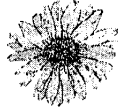
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Public Record

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Mack H. Shumate, Jr.
Senior General Attorney, Law Department

UNION PACIFIC RAILROAD
101 N. Wacker Dr., Rm. 1920, Chicago, IL 60606-1718
ph. (312) 777-2055 fx. (312) 777-2065



October 19, 2004

Sunflower Recreational Trails, Inc.
PO Box 44-2043
Lawrence, Kansas 66044-8935



Vernon Williams, Secretary
Surface Transportation Board
1925 K Street, NW
Washington, DC 20423-0001

RE: Surface Transportation Board Docket No. AB-33 (Sub-No 220X) Union
Pacific Railroad Company Abandonment Exemption in Brown and Doniphan
Counties, Kansas

Dear Mr. Williams:

This comment should be treated as a protest or a petition for reconsideration in the above-captioned proceeding. This comment, filed on behalf of Sunflower Recreational Trails, Inc., a non-profit organization interested in promoting trail development, which is hereinafter referred to as "Commenter."

Commenter takes no position on the propriety of discontinuance of current rail service, but Commenter does request issuance of a Notice of Interim Trail Use rather than outright abandonment authorization. These comments pertain to the rail line of Union Pacific Railroad Company with respect to that portion of right-of-way known as St. Joseph Lead, extends from Mile Post 2.52 near Elwood to Mile Post 33.60 near Robinson, a distance of 30.98 miles in Brown and Doniphan Counties, Kansas. The right-of-way is part of a proposed abandonment in Docket No. AB-33 (Sub-No. 220X.)

A map of the right-of-way is attached

A. Public Use Condition

Commenter requests the Surface Transportation Board find that this property is suitable for other public use, specifically trail use and to place the following condition on the abandonment.

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1. Barring non-public disposition condition sought: An order prohibiting the carrier from disposing of the corridor other than the tracks, ties and signal equipment except for public use on reasonable terms.

Justification: This corridor offers an excellent addition to the recreation trails system of the State of Kansas. This trail would become a portion of the Quad State Trail (a four state trail connecting Kansas, Nebraska, Iowa and Missouri.) It would offer excellent wildlife habitat and viewing. Also, it would offer recreational facilities for St. Joseph, Missouri and several small towns.

The time period sought is 180 days from the effective date of the abandonment. Commenter needs this much time to coordinate efforts with local interest groups and to commence negotiations with the carrier.

2. Preserving trail-related structures

Condition sought: an order barring removal or destruction of trail-related structures such as bridges culverts, ballast and rip-rap, but not removal of tracks, ties and signal equipment.

Justification: Bridges, culverts, ballast and rip/rap have considerable value for, and would certainly facilitate, recreational trail purposes. On the other hand, such structures generally have negative salvage value for a railroad so their preservation poses no burden on interstate commerce.

The time period requested is 180 days from the effective date of the abandonment for the same reason indicated above.

B Interim Trail Use

The railroad right-of-way in this proceeding is suitable for rail banking, in addition to the public use conditions sought above. Commenter also requests rail-banking and interim trail use. Commenter accordingly makes the following statement:

Vernon Williams, Secretary
Surface Transportation Board
July 22, 2004
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STATEMENT OF WILLINGNESS TO ACCEPT FINANCIAL RESPONSIBILITY

In order to establish interim trail use and railbanking under Section 8(d) of the National Trails System Act, 16 U.S. C. 1247 (d) and 49 C.F.R. 1152.29, Sunflower Recreational Trails Inc. is willing to assume full responsibility for management of, for any legal liability arising out of the transfer or use of (unless the use is immune from liability, in which case it need only indemnify the railroad against any potential liability) and for payment of any and all taxes that may be levied or assessed against the right-of-way owned by the Union Pacific Railroad Company.

A map depicting right-of-way is attached.

Sunflower Recreational Trails, Inc. acknowledges that use of the right-of-way is subject to the users continuing to meet its responsibilities described above and subject to possible future reconstruction and reactivation of the right-of-way for rail service.

A copy of this statement is being served on the railroad on same date it is being served on the Commission.

By my signature below, I certify service upon Mack Shumate, Jr., Senior General Attorney, 101 N. Wacker Dr. Room 1920, Chicago, IL 60606.

Respectfully submitted,

ROSS GREATHOUSE

Ross Greathouse
For Sunflower Recreational Trails, Inc.
3901 South 27th Street, No. 29
Lincoln, NE 68502

RG:cg

CC: Mack Shumate, Jr.
Senior General Attorney
101 N. Wacker Dr. Room 1920
Chicago, IL 60606

Vernon Williams, Secretary
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Jim Hild
Union Pacific Railroad
1400 Douglas Street
Mail Stop 1690
Omaha, NE 68179

Larry Rhodes, Treas.
Sunflower Recreational Trails, Inc.
5319 SW Lancaster
Topeka, KS 66064-2309

Larry Ross, Chair
Sunflower Recreational Trails, Inc.
POB 3241
Wichita, KS 67201

Clark Coan, Sec'y
Sunflower Recreational Trails, Inc.
POB 44-2043
Lawrence, KS 66044

Andy Clements
Public Works
City of St. Joseph, MO
1100 Fredrick Ave., Rm 204
St. Joseph, MO 64501

NEBRASKA

MISSOURI

RICHARDSON COUNTY

ANDREW COUNTY

BEGIN
ABANDONMENT
M.P. 42.06END
ABANDONMENT
M.P. 2.52

Robinson

Leona

Severance

Troy

Walker

St. Joseph

Elwood

BROWN COUNTY

ATCHISON COUNTY

DONIPHAN COUNTY

UPRR
FALLS CITY SUB.

BUCHANAN COUNTY

KANSAS

BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE	BRIDGE NO.	BRIDGE TYPE	TOTAL LENGTH	DATE
5.36	1 SPAN TRG	67'	1902	8.80	1 SPAN DPG	37'	1889
2.82	1 SPAN TRG	67'	1907	0.00	1 SPAN DPG	33'	1906
6.34	1 SPAN TRG	65'	1902	11.66	2 SPAN DPG	82'	1909
6.78	1 SPAN TRG	20'	1911	13.03	1 SPAN WFT	32'	1923
7.14	1 SPAN TRG	67'	1902	22.40	1 SPAN TRG	30'	1926
7.60	1 SPAN TRG	67'	1903	22.74	1 SPAN TL 2 SPAN TRG	210'	1906
				36.78	1 SPAN TRG	80'	1927

LEGEND

- UPRR LINES TO BE ABANDONED
- UPRR TRACKAGE RIGHTS OVER BURLINGTON NORTHER SANTA FE
- OTHER UPRR LINES
- OTHER RAILROADS
- PRINCIPAL HIGHWAYS
- OTHER ROADS
- 50+ YEAR OLD STRUCTURES

A TOTAL OF 12.2 MILES
IN BROWN COUNTY, KANSAS

STATION	MILE POST	AGENCY
ROBINSON	34.20	NO

A TOTAL OF 27.34 MILES
IN DONIPHAN COUNTY, KANSAS

STATION	MILE POST	AGENCY
LEONA	28.80	NO
SEVERANCE	24.80	NO
TROY	13.88	NO
WALKER	5.00	NO

ST. JOSEPH INDUSTRIAL LEAD
UNION PACIFIC RAILROAD CO.
ST. JOSEPH INDUSTRIAL LEAD
HIAWATHA TO ELWOOD, KANSAS
INCLUDING 50+ YEAR OLD STRUCTURES

SCALE 10 MILES

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DATE: 19-Feb-04 08:33